

Message Text

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SUBJ: ARRESTEE AND PRISONER SERVICES: DEPORTATION OF PETTY NARCOTICS
OFFENDERS

REF: STATE 194251

1. GOVERNMENT OF PERU DOES NOT FOLLOW A SYSTEM OF EXPULSION IN THE CASES OF PETTY NARCOTICS OFFENDERS OR CONSUMERS. OFFENDERS OF THIS TYPE ARE USUALLY PASSED FROM THE CRIMINAL TO THE CIVIL COURTS WHERE THE JUDGE ORDERS MEDICAL TREATMENT OR OTHER MEASURE HE DEEMS NECESSARY FOR THEIR REHABILITATION. NO EXPULSION IS INVOLVED.

2. TRAFFICKERS, ON THE OTHER HAND, ARE EXPELLED AS UNDESIRABLE ALIENS AFTER THEY HAVE COMPLETED THEIR SENTENCES OR THE JUDICIAL PROCESS EVEN IF FOUND INNOCENT. THIS IS BASED ON A PORTION OF ARTICLE 6 OF LAW NO. 4145, PROMULGATED IN 1920 WHICH PROVIDES FOR EXPULSION OF FOREIGNERS "WHOSE ILLICIT ACTIVITIES CONSTITUTE AN EVIDENT DANGER TO PUBLIC ORDER OR NATIONAL SECURITY." EXPULSIONS ARE ARRANGED THROUGH THE MINISTER OF THE INTERIOR AND THE ORDER IS EXECUTED BY THE PERUVIAN INVESTIGATIONS POLICE.

3. RECENTLY, CONSUL AND CONSULAR SECTION ATTORNEY MET WITH PRESIDENT AND JUDGES OF THE SUPREME COURT AS WELL AS THE PRESIDENT OF THE SUPERIOR COURT OF LIMA. THE JUDGES AGREED THAT THERE IS NO SPECIFIC DEFINITION FOR, OR DIFFERENCE BETWEEN, "TRAFFICKER" UNCLASSIFIED

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AND "CONSUMER" UNDER EXISTING PERUVIAN LAW. INFORMAL DEFINITION WAS GIVEN THAT A CONSUMER IS ONE WHO BUYS A LIMITED, BUT UNDEFINED QUANTITY OF DRUGS FOR HIS OWN PERSONAL USE. HIS LEGAL RESPONSIBILITY MAY BE DIMINISHED BY GIVING INFORMATION AS TO HOW AND FROM WHOM HE OBTAINED THE PRODUCT. A TRAFFICKER IS ONE WHO BUYS DRUGS, NOT NECESSARILY FOR HIS OWN USE, BUT RATHER TO SELL FOR PROFIT. THE JUDGES SAID THAT THE NEW DRUG

LAW WHICH IS EXPECTED TO TAKE EFFECT AT THE END OF NEXT MONTH, WILL ATTEMPT A MORE SPECIFIC CONSUMER/TRAFFICKER DEFINITION.

4. CONSUL AND CONSULAR SECTION ATTORNEY ON AUG. 24, VISITED THE VICE MINISTER OF THE INTERIOR AND GHE GENERAL DIRECTOR OF INTERNAL AFFAIRS OF THE MINISTRY OF THE INTERIOR. BOTH OFFICIALS CONFIRMED THAT THIS NEW DRUG LAW SHOULD BE FORTHCOMING VERY SOON. THE PROPOSED LAW INCLUDES PUNISHMENTS FROM TWO TO TWENTY YEARS OF IMPRISONMENT FOR DRUG TRAFFICKERS, NO BENEFITS OF PROVISIONAL LIBERTY, AMNESTY, OR BAIL. IN OTHER WORDS, THE LAW WILL BE MORE SEVERE.

5. IN BOTH OF THE ABOVE MENTIONED MEETINGS, IT WAS BROUGHT TO THE ATTENTION OF THE PERUVIAN AUTHORITIES THAT WHILE THE UNITED STATES VIEWS THE MOVEMENT OF DRUGS MOST SERIOUSLY AND FULLY SUPPORTS AND ENCOURAGES DRUG INTRADICTION PROGRAMS, OUR GOVERNMENT ALSO FEELS STRONGLY THAT TRAFFICKERS SHOULD BE DEALT WITH MUCH MORE SEVERELY THAN MERE USERS. SHLAUDEMAM

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